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December 17, 1997

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VIA HAND DELIVERY

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
Room 222, 1919 M Street, NW
Washington, DC 20554

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DEC 17 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: MM Docket No. 87-268, Advanced Television Systems

Dear Ms. Salas:

Transmitted herewith on behalf of the Board of Governors of the UPN Affiliates Association, a voluntary association of television stations affiliated with the new United Paramount Television Network, is an original and four copies of its Comments in the above-referenced proceeding.

Should there be any questions, please communicate with the undersigned counsel.

Very truly yours,



Edward W. Hummers, Jr.

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Enclosure

cc: The Honorable Chairman and the Honorable Commissioners,
Federal Communications Commission
Roy Stewart, Esquire
Mr. Richard Smith
Mr. Bruce Franca

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re

Advanced Television Systems)	MM Docket No. 87-268
and Their Impact Upon the)	
Existing Television Broadcast)	
Service)	

To: The Commission

**COMMENTS OF THE BOARD OF GOVERNORS
OF THE UPN AFFILIATES ASSOCIATION
IN RESPONSE TO DECEMBER 2, 1997 PUBLIC NOTICE**

The Board of Governors of the UPN Affiliates Association hereby comments in support of the proposal of the Association of Local Television Stations, Inc. ("ALTV") filed on November 25, 1997.¹ In support thereof, the following is stated:

The Board of Governors is the governing body of the UPN Affiliates Association ("UPN Affiliates"), a voluntary association of television stations affiliated with the new United Paramount Television Network. Presently, there are 107 primary UPN affiliates, of which 92 operate on UHF channels. Those UPN affiliates operating on UHF channels must compete with the affiliates of the other networks, a substantial majority of which operate on VHF

¹ By Public Notice released on December 2, 1997, the Commission requested comments on the ALTV filing (the "ALTV Proposal") to be filed no later than December 17, 1997. These Comments are therefore timely.

channels. In the world of analog television transmission, the UPN Affiliates have lived with the inherent disparity between UHF and VHF operations.² As the industry moves into the world of digital transmission, UPN Affiliates believe that there is every reason to eliminate that disparity or, at least, diminish it. The Commission, however, in its attempt to replicate existing service contours has continued the disparity in its allotment scheme and has placed UHF licensees at a further disadvantage by providing VHF analog licensees significantly greater operating power for their proposed DTV operations than has been provided UHF analog licensees for their proposed DTV operations. If UPN is to survive and continue to compete with the other networks, its affiliates must be able to provide a receivable signal to a reasonably comparable number of viewers when operating digitally.

UPN Affiliates are concerned that the relatively low power levels allotted UHF stations for their UHF digital facilities will result in inadequate signal levels within the DTV service contour authorized under the Commission's allotment scheme. This is particularly of concern in urban areas where inside antennas are most likely to be employed by viewers. Many of the urban viewers with lower incomes, who have been active viewers of UPN and the other start-up networks, will be less likely to afford the cost of a new UHF

² As the Commission knows, UHF stations have smaller service areas than do VHF stations because of the different propagation characteristics of VHF and UHF radiowaves.

outside antenna.³ UPN Affiliates strongly recommend that the Commission adopt an across-the-board increase in the current 50 kilowatt DTV power floor as proposed by Viacom and others in this proceeding.⁴ An across-the-board power increase will eliminate the need for individual UHF stations to file applications to maximize their facilities and will forestall disputes likely to arise between stations alleging increased interference from such proposals, even when *de minimis*. It is more efficient for the Commission to grant a reasonable increased minimum power by rulemaking than by processing individual applications.

ALTV proposes that UHF-UHF Stations be allowed to increase power to 1,000 kilowatts, provided that tilt-beam antennas and/or other mechanisms be used to ensure that (i) the field strengths at the outer edges of the stations' original protected contours do not increase above the levels allowed by the DTV Table of Allotments, and (ii) there will be no incremental visible interference. The ALTV proposal is a technically sound method of providing a stronger DTV signal within a station's authorized service area while protecting the radio

³ Urban viewers renting in high rise buildings may also be unable to utilize outside antennas and may be forced to rely upon indoor antennas, particularly if the cost of purchasing and installing outside antennas is significant.

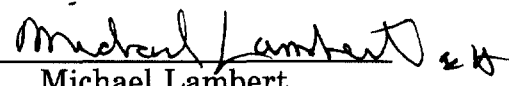
⁴ See Viacom's "Opposition to Petitions for Reconsideration of the *Fifth Report and Order* and of the *Sixth Report and Order*," dated July 18, 1997, at 7-10, and Viacom's "Supplement to Petition for Partial Reconsideration of the *Sixth Report and Order*," dated August 22, 1997.

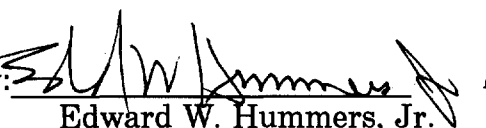
horizon and without requiring a change in the Commission's DTV Table of Allotments.

In summary, UPN Affiliates strongly endorses the increase in the minimum power level for DTV operations and the use of beam-tilt or other technology to increase the signal level within the radio horizon. The Commission has an opportunity to help UPN affiliated stations enter into the digital world by enabling UHF stations to have the physical facilities with which they can effectively compete and serve the public.

Respectfully submitted,

**BOARD OF GOVERNORS OF THE
UPN AFFILIATES ASSOCIATION**

By: 
Michael Lambert
President

By: 
Edward W. Hummers, Jr.
General Counsel

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WAS1-315622